REMARKS

In response to the Office Action mailed February 17, 2010, reconsideration is requested.
Claims 1-16 were and remain pending. No claim amendments are made, and no claims are added or
cancelled. Claims 1, 7, and 13 are independent. No new matter has been added.

I. Rejections Under 35 U.S.C. § 103

Claims 1, 3, 4, 7, 9, and 10 stand rejected under 35 U.S. C. § 103 as purportedly being
unpatentable over Yuschik (U.S. Patent No. 7,139,706) in view of Mahajan (U.S. Patent No.
7,117,153). Claims 5, 6, 11-13, 15, and 16 stand rejected under 35 U.S. C. § 103 as purportedly
being unpatentable over Yuschik in view of Mahajan and further in view of Randic (U.S. Patent No.
6,275,797). These rejections are respectfully traversed and reconsideration is requested.

A.   *The Proposed Combination Of Yuschik And Mahajan Would Not Have Met All The
       Limitations Of Claim 1*

Independent claim 1 would not have been obvious in view of the proposed combination of
Yuschik and Mahajan because the proposed combination would have failed to meet all of the
limitations of the claim. Independent claim 1 recites:

> A method of evaluating grammars associated with a voice portal on a
> portal server, said method comprising:
>   generating, for a *current grammar* of the voice portal *representing a valid
> input for a first menu of the voice portal*, a test input, the test input for the
> current grammar including a test pattern;
>   providing the test input to the voice portal on the portal server using a
> voice server;
>   receiving at least one measure of *how distinguishable the current
> grammar is from other grammars of a set of active grammars* that are active
> when the current grammar is active, the set of active grammars *including the
> current grammar and at least one grammar from a second menu of the voice
> portal*, the at least one measure based at least in part on analysis of the test pattern
> with respect to the set of active grammars; and
>   determining whether to modify the current grammar based at least in part
> on the at least one measure. (Emphasis added).

The proposed combination would have failed to meet at least the above-highlighted limitations with respect to the recited first menu and second menu. In setting forth the rejection of claim 1, the Office Action appears to rely solely on Yuschik as purportedly meeting the limitations of claim 1 with respect to the recited first menu and second menu (see p. 3 of Office Action, citing to steps 340-360 of Fig. 3 of Yuschik and col. 12, ll. 25-64 of Yuschik). The Assignee respectfully disagrees that Yuschik meets those limitations.

Fig. 3 and column 12, lines 25-64 of Yuschik discuss testing the acoustic similarity of words within a single sub-vocabulary, examples of which are shown in Fig. 4, but do not teach testing the acoustic similarity of words in different sub-vocabularies. For instance, Yuschik states that a basic acoustic analysis is performed for each sub-vocabulary (see col. 12, ll. 41-43) and that the sub-vocabularies are tested in the order of most likely frequency of usage (see col. 12, ll. 52-53), but does not teach that acoustic similarity should be tested across the sub-vocabularies. In other words, referring to Fig. 4 of Yuschik, there is no teaching or suggestion in Yuschik that a word from any one of the illustrated sub-vocabularies, such as the "main menu" sub-vocabulary, is tested against words from any other of the illustrated sub-vocabularies, such as the "fax settings" sub-vocabulary, to assess the acoustic similarity of the words. Yuschik fails to appreciate why such testing may be beneficial.

In fact, Yuschik teaches away from such testing across the sub-vocabularies. Yuschik encourages the use of the same word in multiple sub-vocabularies because it reduces the cognitive load on the user by leveraging the user's comprehension and learning from an earlier menu state into a later menu state (see col. 13, ll. 48-51). By encouraging the use of the same word in multiple menus, which of course would be acoustically indistinguishable in the various menus in which the word appears, Yuschik teaches away from testing for acoustic similarity across the sub-vocabularies.

Thus, since the Office Action appears to assert that the sub-vocabularies in Yuschik meet the recited "menu" limitations of claim 1, and since Yuschik does not teach testing across sub-vocabularies (and in fact teaches away from it), it should be appreciated that Yuschik fails to teach the above-recited limitations of claim 1 with respect to the recited first menu and second menu, contrary to the assertion in the Office Action. There is nothing further in the proposed combination

of Yuschik and Mahajan that remedies this deficiency, which the Office apparently concedes in relying solely on the teachings of Yuschik for the above-recited limitations. Thus, it should be appreciated that the proposed combination of Yuschik and Mahajan would not have met all the limitations of claim 1, and therefore claim 1 would not have been obvious to one of skill in the art in view of the proposed combination.

Accordingly, withdrawal of the rejection of claim 1 is respectfully requested. Withdrawal of the rejections of claims 2-6 is also requested, since these depend from claim 1 and are patentable over the art of record for at least the same reasons.

B.   *The Proposed Combination of Yuschik and Mahajan Would Not Have Met All the Limitations of Claim 7*

Independent claim 7 would not have been obvious to one of skill in the art in view of the proposed combination of Yuschik and Mahajan because the proposed combination would have failed to meet all the limitations of the claim. Claim 7 recites:

> A computer-readable storage medium encoded with instructions which, when executed by a computer, cause the computer to perform a method of evaluating grammars associated with a voice portal, the method comprising:
> generating, for a *current grammar* of the voice portal *representing a valid input for a first menu of the voice portal*, a test input, the test input for the current grammar including a test pattern;
> providing the test input to the voice portal;
> receiving at least one measure of *how distinguishable the current grammar is from other grammars of a set of active grammars* that are active when the current grammar is active, the set of active grammars *including the current grammar and at least one grammar from a second menu of the voice portal*, the at least one measure based at least in part on analysis of the test pattern with respect to the set of active grammars; and
> determining whether to modify the current grammar based at least in part on the at least one measure. (Emphasis added.)

It should be appreciated from the foregoing discussion in Section I(A) that the proposed combination of Yuschik and Mahajan fails to meet the above-highlighted limitations of the claim. The reasoning in the Office Action underlying the rejection of claim 7 is similar to that for the rejection of claim 1 described above (see pp. 6-7 of Office Action), and relies solely on Yuschik as purportedly meeting the limitations of claim 7 with respect to the first menu and second menu. It

should be appreciated from the foregoing discussion that Yuschik fails to meet the above-highlighted limitations. Furthermore, there is nothing in the proposed combination that remedies this deficiency.

Accordingly, withdrawal of the rejection of claim 7 is respectfully requested, as is withdrawal of the rejections of claims 8-12, since these depend from claim 7 and are patentable over the art of record for at least the same reasons.

C.   *The Proposed Combination of Yuschik, Mahajan, and Randic Would Not Have Met All The Limitations of Claim 13*

Independent claim 13 would not have been obvious to one of skill in the art in view of the proposed combination of Yuschik, Mahajan, and Randic because the proposed combination would have failed to meet all the limitations of the claim. Claim 13 recites:

> A system for evaluating grammars of a voice portal executing on a portal server, the system comprising:
> an analysis interface for extracting a current grammar from a set of active grammars of the voice portal, the ***current grammar representing a valid input for a first menu*** of the voice portal and being one grammar of the set of active grammars, the set of ***active grammars including at least one grammar from a second menu*** of the voice portal;
> a test pattern generator for generating a test input for the current grammar, the test input including a test pattern;
> a text-to-speech engine on a computer for entering the test input into the voice portal;
> a results collector for analyzing the test input entered into the voice portal against the set of active grammars; and
> a results analyzer for deriving a set of statistics indicative of ***how distinguishable the current grammar is from other grammars of the set of active grammars***. (Emphasis added).

The proposed combination of Yuschik, Mahajan, and Randic would have failed to meet at least the above-highlighted limitations of claim 13 with respect to the recited first menu and second menu. In setting forth the rejection of claim 13, the Office relies solely on Yuschik as purportedly meeting the above-highlighted limitations with respect to the recited first menu and second menu (see p. 12 of Office Action). However, as described above, Yuschik does not teach testing acoustic

similarity of words across sub-vocabularies, contrary to the assertion in the Office Action, but rather only teaches testing for acoustic similarity of words within the same sub-vocabulary. From that, it should be appreciated that Yuschik fails to meet the above-highlighted limitations of claim 13. There is nothing further in the proposed combination of Yuschik, Mahajan, and Randic that remedies this deficiency. Accordingly, the proposed combination would not have met at least the above-highlighted limitations of claim 13.

Thus, withdrawal of the rejection of claim 13 is requested, as is withdrawal of the rejections of claims 14-16, since these depend from claim 13 and are patentable over the art of record for at least the same reasons.

II. Additional Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, the Assignee believes it is unnecessary at this time to argue the allowability of each of the dependent claims individually. The Assignee does not, however, necessarily concur with the interpretation of any dependent claim as set forth in the Office Action, nor does the Assignee concur that the basis for the rejection of any dependent claim is proper. Therefore, the Assignee reserves the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, the Assignee hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. N0484.70571US00.

Dated: 5/17/2010   Respectfully submitted,

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